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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,765	10/30/2003	Alessandro De Matteis	150741.00001	8891

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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,765

Applicant(s)

MATTEIS, ALESSANDRO DE

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Sept. 20, 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 & 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt, V et al. (US 6,322,315) (previously cited)

With respect to claims 1 & 12, Schmidt, V et al. disclose:

- forming of a stack of interfolded sheets 30 piling up on a table 36 located underneath;
- separating (C8/L1-13) two successive interfolded sheets once achieved a predetermined height of a forming stack, thus defining a completed stack 30 and a forming stack being formed 58 (FIGS. 2-5);

- separating (C7/L140-47) occurring by laterally introducing first 38 and second 40 separators into a stack (indicated generally as 30) being formed from opposite sides with respect to a stack same for separating a stack 30 located underneath and for leaving at least one wing 70 of sheet hanging free between two separators;
- moving away a completed 30 stack of sheets from a table and leaving it on a conveyor belt or an outlet plane 68 (C9/L16-45; FIGS. 6-7);
- moving a sheet stretching board 50, suitable for provisionally supporting (C8/L65-68) a stack and stretching a wing 70, with a portion of wing 70 of sheet exceeding a sheet stretching board 50;
- withdrawing (C8/L24-26) first 38 and second 40 separators up to reaching a position external to a stack being formed (FIGS. 4-5); and
- moving back a table 10 and withdrawing a sheet stretching board 50, with a portion of wing 70 that remains between a stack 58 and a table 36 (FIG. 11).

With respect to claim 2, Schmidt, V et al. disclose that before moving back a table 36 an element 48 moving from a direction opposite to a sheet stretching board 50 stretches a portion of a wing of sheet exceeding a sheet stretching board 50. FIG. 10.

With respect to claim 3, Schmidt, V et al. disclose a step of making an end fold 72 on a portion of a wing exceeding a sheet stretching board by means of both an element 48 acting from an opposite side to a sheet stretching board and an element 52 moving from a same side of a sheet stretching board, just before a coming back of a table. FIGS. 10-11.

With respect to claim 4, Schmidt, V et al. disclose an element acting from a same side is a blow of air 52, and an element acting from an opposite side of a sheet stretching board is a second separator 48, a separator moving from a position outer to a stack, after that a sheet stretching board is positioned, to a position below the lower face of said sheet stretching board and in order to make the end fold on the exceeding portion of sheet by said blow of air.

With respect to claim 5, Schmidt, V et al. that where previously to a step of moving away a completed stack on a conveyor belt 68, or in the outlet plane, a blow of air 52 is provided for moving a possible last sheet that has remained in a vertical position bringing it to a horizontal position.

With respect to claim 6, Schmidt, V et al. disclose means 22, 24 for feeding a stack being formed with a stream of interfolded sheets, movable table 36, first 38 and second 40 separators moving laterally into stack, sheet stretching board 50, and means (C8/L8-50) for moving a sheet stretching board under a stack for all a stack width to provisionally support a stack and for stretching a wing for all a stack width with an end portion 70 of a wing eventually exceeding a sheet stretching board 50.

With respect to claims 7-8, Schmidt, V et al. disclose an element 52 comprising a blow of air 52 moving from a direction opposite to said sheet stretching board, with respect to the processed stack.

With respect to claim 10, Schmidt, V et al. disclose that a sheet stretching board 50 slides on a base 47 and an actuator. FIG. 1A.

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With respect to claim 11, Schmidt, V et al. disclose a table 36 is located on a slide 76, guide 38 and actuator 38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt, V et al. in view of De Matteis et al. (US 6,228,014).

With respect to claim 9, Schmidt, V et al. discloses pivoting (C7/L39-45) first 38 and second 40 separators and does not disclose a connecting rod, motor, cam. De Matteis et al. discloses first and second separators on supports 40a, 40b, operatively coupled to a connecting rod 43 operated by a motor (C6/L1-9); a connecting rod 33 rotating by means of a cam 45 improves on the width of the interfolded web and consequently the stack length. C2/L30-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt, V et al. to include a connecting rod, motor and cam, as per the teachings of De Matteis et al., to interfold larger webs.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. However, upon further review the examiner now interprets elements 38, 40 of Schmidt, V et al. as the means by which a

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forming stack 58 is separated from a formed stack 30, i.e. first and second separators. C8/L1-5. See also Applicants Sept. 20, 2007 arguments conceding this point at Page 8, fifth paragraph. Thus, element 50 is a sheet stretching board as disclosed in the figures and shown above. The examiner regrets any inconvenience this reinterpretation may cause.

With respect to a wing exceeding stretching board 50, Schmidt's separators 38, 40 physically can only reach to the middle of a shaft 28. Thus, at the point at which they separate a formed stack from a forming stack the sheet, and wing 70 must be left hanging between two separators at a stack center until a sheet stretching board enters a stacking shaft.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA

DM *10/29/07*